

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARY WAGES BOBO,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:07cv482-MHT
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Pursuant to the orders of this court, the United States has filed a response (Doc. No. 11) addressing the claims presented by the petitioner in her 28 U.S.C. § 2255 motion. In its response, the government argues that the petitioner's § 2255 motion is barred because she expressly waived her right to collaterally attack her sentence when she entered her guilty plea. The government further argues that there is no merit to the petitioner's claim that she was not competent to understand the nature of her guilty plea and the proceedings against her. In addition, the government argues that the petitioner's claim of ineffective assistance of counsel is meritless and rests on allegations that fail to establish deficient performance by her counsel.

Accordingly, it is

ORDERED that on or before August 28, 2007, the petitioner may file a reply to the response filed by the government. Any documents or evidence filed after this date will not be considered by the court except upon a showing of exceptional circumstances. At any time

after August 28, 2007, the court shall “determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the [court] shall make such disposition of the motion as justice dictates.” Rule 8(a), *Rules Governing Section 2255 Proceedings in the United States District Courts*.

The petitioner is instructed that when responding to the assertions contained in the government’s response, she may file sworn affidavits or other documents in support of her claims. Affidavits should set forth specific facts that demonstrate that the petitioner is entitled to relief on the grounds presented in her § 2255 motion. If documents that have not previously been filed with the court are referred to in the affidavits, sworn or certified copies of those papers must be attached to the affidavits or served with them. When the petitioner attacks the government’s response by use of affidavits or other documents, the court will, at the appropriate time, consider whether to expand the record to include such materials. *See Rule 7, Rules Governing Section 2255 Proceedings in the United States District Courts*. The petitioner is advised that upon expiration of the time for filing a response to this order, the court will proceed to consider the merits of the pending § 2255 motion pursuant to Rule 8(a).

Done this 7th day of August, 2007.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE